

# In the United States Court of Federal Claims

<p>*****</p> <p><b>DR. JOHN J. SHANE,</b></p> <p style="text-align: center;"><b>Plaintiff,</b></p> <p style="text-align: center;"><b>v.</b></p> <p><b>UNITED STATES,</b></p> <p style="text-align: center;"><b>Defendant.</b></p> <p>*****</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p><b>No. 20-121C</b></p> <p><b>Filed: March 5, 2020</b></p>
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## O R D E R

On February 4, 2020, the United States District Court for the Eastern District of Pennsylvania transferred the above captioned case to the United States Court of Federal Claims, and that same day, February 4, 2020, the case was assigned to the undersigned. The transfer complaint was due on or before March 3, 2020. On March 4, 2020, the Clerk's Office received a letter from the plaintiff's counsel of record for the proceedings before the United States District Court for the Eastern District of Pennsylvania. As plaintiff's counsel is not admitted to the United States Court of Federal Claims, and the submission was in the format of a letter the Clerk's Office did not file the submission. The submission indicated that:

Counsel is not licensed before this Honorable Court nor likewise has received ECF privileges. Counsel represented plaintiff before the Eastern District of Pennsylvania. Despite multiple attempts via various means, counsel cannot now locate elderly plaintiff. Counsel retained a private investigator to attempt to locate plaintiff. Counsel provides this status update in light of this Court's Clerk's entry indicating counsel admissions and ECF privileges required on or before March 9, 2020. To that end, counsel humbly will not seek admission before this Court nor ECF privileges. Likewise, counsel respectfully will not represent plaintiff further.

Rule 41(b) (2019) of the Rules of the United States Court of Federal Claims (RCFC) states:

If the plaintiff fails to prosecute or to comply with these rules or a court order, the court may dismiss on its own motion or the defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule—except one for lack of jurisdiction or failure to join a party under RCFC 19—operates as an adjudication on the merits.

Therefore, pursuant to RCFC 41(b), this court **ORDERS** that this case be **DISMISSED without prejudice**. Given plaintiff's counsel of record for the proceedings before the United States District Court for the Eastern District of Pennsylvania could not locate plaintiff, the court does not dismiss plaintiff's complaint with prejudice.

**IT IS SO ORDERED.**

s/Marian Blank Horn  
**MARIAN BLANK HORN**  
**Judge**